

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

vs.

Criminal Action No.
5:05 -CR- 217(FJS)

GERALD THOMAS, SR.,

Defendant.

APPEARANCES:

OF COUNSEL:

FOR THE GOVERNMENT:

HON. GLENN T. SUDDABY
United States Attorney
Northern District of New York
100 S. Clinton Street
P.O. Box 7198
Syracuse, New York 13261-7198

EDWARD R. BROTON, ESQ.
Assistant U.S. Attorney

FOR DEFENDANT:

Office of Richard B. Spinney
74 Main Street
Stamford, New York 12167

RICHARD B. SPINNEY, ESQ.


ORDER APPROVING WAIVER OF APPEARANCE AT ARRAIGNMENT

Defendant has been charged by indictment, inter alia, with Fraud, in violation of 18 USC 1341 and 2. Defendant and Defendant's counsel, Richard B. Spinney, Esq., have completed a written form advising the court that Gerald Thomas, Sr. wishes to waive his right to appear at a

appear at a formal arraignment on the pending superseding indictment, pursuant to Rule 10 of the Federal Rules of Criminal Procedure, as amended.

Based upon the defendant's voluntary representations, as confirmed by his attorney, and the understanding that attorney Richard B. Spinney has explained the consequences of the waiver of appearance to his client, I accept his waiver as knowing and voluntary. Accordingly, it is hereby

ORDERED that the clerk is directed to enter a plea of not guilty to Indictment No. 5:05-CR-217 (FJS), dated December 8, 2005, on behalf of the defendant, Gerald Thomas, Sr., such plea to be docketed as having been entered on the date of the signing of this order.



GEORGE H. LOWE
U.S. MAGISTRATE JUDGE

Dated: December 22, 2005
Syracuse, NY